PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS MEAGHER COUNTY, MONTANA

January 6, 13, 20, 2015

Tuesday

January 6, 2015 8:45 a.m. – 2:33 p.m. Met in Commissioner's Chambers

Meeting Called to Order;

Chair Hurwitz called the meeting to order at 8:45 a.m.

Commissioners Present:

Commissioner Ben Hurwitz, Commissioner Herb Townsend and Commissioner Rod Brewer.

Road Report:

Bruce Smith, Road Supervisor, was unable to attend.

New Year's Resolutions:

Action #1:

Whereas, the board of county commissioners must elect one of its members as presiding officer (MCA §7-5-2109), and

Whereas, the presiding officer shall preside at all meetings of the board, and in case of the $presiding \ of ficer's \ absence \ or \ in ability \ to \ act, \ the \ members \ present \ shall \ select \ one \ of \ their \ number \ to$ act temporarily as presiding officer,

It Is Hereby Resolved:

Herb Townsend shall be the Chairperson of the Meagher County Board of County Commissioners through December 31, 2016, effective immediately.

Dated this _____ day of January, 2015.

CHAIRPERSON

FOLIAGE

VICE/CHAIR

VICE/CHAIR

COMMISSIONER



Whereas, the governing body of the county shall establish by resolution a regular meeting date and notify the public of that date (MCA §7-5-2122), and

Whereas, the governing body of the county, except as may be otherwise required of them, may meet at the county seat of their respective counties at any time for the purpose of attending to county business, and

Whereas, the commissioners may, by resolution and prior two days' posted notice, designate another meeting time and place,

It Is Hereby Resolved:

The Meagher County Board of County Commissioners shall meet the first three (3) Tuesdays of each month beginning at 8:30 a.m. and running till said meeting is complete. The meetings shall take place in the Meagher County Courthouse.

VICE ÇHAIR

COMMISSIONER

CHAIRPERSON

Llayna Gl CLERK & BECORDER



Action #3:

RESOLUTION 2015 - #3

Whereas, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays,

It Is Hereby Resolved:

The Meagher County Courthouse will be open to the public from $8:00\ a.m.$ through $4:00\ p.m.$ Monday through Friday.

Dated this $b^{+/h}$ day of January, 2015.

CLERK & RECO

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VICE CHAIR

COMMISSIONER

Action #4:

RESOLUTION 2015 - #4

Whereas, it is recommended that counties adopt a resolution establishing mileage, lodging and per diem rates for business travel,

It Is Hereby Resolved:

Meagher County will use the prevailing state rates for mileage and lodging as of January 1, 2015, and continue with the meal per diem rates set in Resolution 2013 – # 76 established November 19, 2013 of \$8.00 – breakfast / \$10.00 – lunch, and \$15.00 - dinner.

Dated this $\frac{1}{2}$ day of January, 2015.

CHAIRPERSON VICE CHAIR
VICE CHAIR

FOR HUMBITZ

COMMISSIONER

Whereas, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business, during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays.

Whereas, the office of the County Attorney is a part-time official, but is required by the County to hold consistent office hours and be available for services, such as obtaining warrants, twenty-four (24) hours per day.

Whereas, pursuant to the Agreement between the Commission and the County Attorney, support staff for reception duties should be available Monday – Thursday from 9:00 a.m. to 3:00 p.m. This office may be closed from 12:00 p.m. to 1:00 p.m. for lunch

It is Hereby Resolved:

The office of the County Attorney shall be open Monday - Thursday from 9:00 a.m. to 3:00 p.m. and closed an hour for lunch.

DATED this _____day of January, 2015.

LAMING OGGI CLERK & RECORDER)

COMMISSIONED

Whereas, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business, during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays.

Whereas, the office of the Justice of the Peace is a part-time position and should consist of 20 hours per week. This office shall be open Tuesday and Wednesday 8:00 a.m. to 5:00 p.m. and Thursday from 8:00 a.m. to 12:00 p.m. The office may be closed Tuesday and Wednesday for a lunch hour. Hours should be posted for the public's information.

It is Hereby Resolved:

The Justice of the Peace's office will be open as follows:

Tuesday

8:00 a.m. – 5:00 p.m.

Wednesday

8:00 a.m. – 5:00 p.m.

Thursday

8:00 a.m. – 12:00 p.m.

The office may close for a lunch hour on Tuesday and Wednesday.

DATED this Lith day of January, 2015.



VICE CHAIR

CHAIRPERSON

COMMISSIONER

Action #7:

RESOLUTION 2015 - #7

Whereas, Section 46-18-403, MCA, states that "the daily rate for incarceration must be established annually by the Board of County commissioners by resolution" and that the daily rate must be equal to the actual cost incurred by the detention facility and it has been determined that the actual cost incurred by the Meagher County detention facility, on an average daily basis, is equal to Seventy-Five dollars (\$75.00);

Now, therefore, be it resolved by the Board of County Commissioners of Meagher County that the daily rate for confinement costs, other than for actual medical costs, as ordered by the court and paid in advance for confinement and prior to payment of any fine, is hereby established at \$75.00 per day; and

Be it further resolved, if a judgment is for a fine and imprisonment until the fine is paid, the detainee shall be allowed a credit of \$75.00 for each day of incarceration; and that an inmate is responsible for the actual costs of medication, medical services, or hospitalization while detained in a detention center, based upon the individual's ability to pay and/or private provider health care coverage, or a bona fide and responsible third-party payer; and

Be it further resolved, that the County Attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization in accordance with 7-32-2245, MCA.

Dated this 2015.

SECOUNT IS

CHAIRPERSON

VICE CHAIR

COMMISCIONED

<u>MBAC – Chris Shove</u>:

Chris Shove stopped by early, so the Commissioners spoke with him about a few things before his scheduled meeting time.

Mr. Shove informed the Commissioners that last week the MBAC made a loan on a local business. Vice Chair Brewer asked Mr. Shove what advantages there were going through MBAC and Mr. Shove explained how it reduces the bank's risk.

The Commissioners asked about helping the Cemetery with finding grant money to help fund the sprinkler system. There was discussion regarding funds available in the CDBG grant that could be used for the Cemetery on planning purposes. There was also discussion on being reimbursed for the engineering firm's services on plans for the sprinkler system. Mr. Shove also

recommended hiring a landscape architectural firm to put together a plan for trees, special acknowledgments for veterans, etc. and that funds could also be used for that. The current CDBG is for planning only, but there has to be a plan before the money would be available.

There was a little discussion regarding the growth policy plan, and Nico Cantalupo was called up to join the conversation. However, Sheriff Lopp came for his scheduled time, so the Commissioners tabled any additional conversation on this topic for later.

Sheriff's Report – Jon Lopp:

Sheriff Jon Lopp presented his monthly call report to review and discuss. Sheriff Lopp told the Commission that 2015 was turning out to be a busy year so far. He also advised that this past weekend while responding on a call, he hit two deer. His vehicle is currently at T & W Body Shop and the accident was turned into the insurance.

Sheriff Lopp also presented the Forest Service Contract that the Sheriff's office received for signature by the Commission. This Contract is the same as it was last year. There was a short discussion on the new Forest Service officer that completed training, Jeremy Smart.

Action #8:

RESOLUTION 2015-#8:

Chair Townsend moved to approve the Forest Service's 2015 Annual Operating and Financial Plan which sets forth the terms and conditions between the Forest Service and the Meagher County Sheriff's Department. Vice Chair Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

Sheriff Lopp also advised the Commissioners that Deputy Wilson has entered into the academy this month and will be there until March.

MBAC – Chris Shove:

Nico Cantalupo came into the meeting to discuss the Planning Board and the status of the Growth Policy Plan.

He advised the Commissioners that the hearing on the Growth Policy Plan is scheduled for January 13, 2015 at 7:00 p.m. There would be a planning board meeting prior to the hearing and Chair Townsend requested a meeting after the hearing to discuss any comments and changes that would be recommended to the Commission. Chair Townsend also requested that Jess Secrest be advised of the meeting on Tuesday and that a reminder letter be sent out. Mr. Cantalupo advised that Rick Berg and Nancy Schlepp would be unable to attend the hearing, but Sarah Hamlen, Herb Townsend and himself would make the quorum.

Mr. Cantalupo discussed the steps the planning board was following to make sure all criteria was being met with regard to the Growth Policy Plan. They were also planning to meet with the Commission on January 20, 2015 to discuss change recommendations they felt were necessary to the Plan.

Mr. Shove then entered the meeting.

Chair Townsend questioned Chris Shove on the Growth Policy Plan being too general and the need to make it more specific to Meagher County.

There was also discussion regarding zoning or "valued protection" of property, flood zones and descriptions of man camps and what should be included in the Growth Policy Plan at this time. Problems and solutions of two years down the line, cannot be addressed now. However, the Plan can be modified and added to at any time. The Growth Policy Plan is the first step and to clarify the potential problems and plan to facilitate growth.

Planning Board – Appointments:

Action #9:

RESOLUTION 2015-#9:

Commissioner Hurwitz moved to approve Herb Townsend as a member of the Planning Board with a term ending June 30, 2018. Vice Chair Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

Action #10:

RESOLUTION 2015-#10:

Commissioner Hurwitz moved to approve the re-appointment of Nico Cantalupo to the Planning Board, with a term ending June 30, 2018. Vice Chair Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

<u>Ambulance – Motion on Call for Bid and Decision on Loan for Ambulance Barn:</u>

Jack Berg was in attendance for this meeting. Commissioner Hurwitz told Mr. Berg that he had spoken with Bob Rooney regarding the amount of money they should ask for in a loan to complete the ambulance barn. The amount they believed they needed to borrow was \$120,000.00, and Commissioner Hurwitz asked Mr. Berg if he believed that would be sufficient to finish the project. Commissioner Hurwitz also advised that he had spoken with Julie Flynn and the current interest rate is at 1% and once the application is turned in it will take 30 days for the Board of Investment to act. However, she did mention that once they have the application, they will know immediately whether or not it will go.

The decision was made that the ambulance barn would not be put out for re-bid until we know what funds that will be available, loan included. They are expecting it to take at least two months before any construction would start. Mr. Berg also told the Commissioners that they were not expecting the new ambulance until mid-May.

Action #11:

RESOLUTION 2015-#11:

Commissioner Hurwitz moved to proceed forward with an application for a loan to help with the completion of the ambulance barn from the State of Montana, Board of Investments Intercap Loan Program in the amount of \$120,000.00. Vice Chair Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

It was also agreed that the repayment of any loan should be an annual payment, not a monthly one.

Minutes:

Action #12:

Chair Townsend moved to approve the Minutes from the December 16, 2014 meeting. Vice Chair Brewer seconded. A vote was taken and was approved.

<u>Grassy Mountain – Tax Correction:</u>

Mike Leonard of the Grassy Mountain Fire District was in attendance. The Commissioners inquired about the status of the Grassy Mountain Fire District Board and Mr. Leonard advised that there was a draft of the by-laws, and with the holiday season, they were waiting for everyone to return to the area and then they would be reviewed. He also told them about his and Rich Seibken's meeting with the DOR and what they were told regarding the tax correction.

Clerk & Recorder, Dayna Ogle, was asked to explain the process and she advised that the Commission only needed to make a motion and Resolution regarding correcting the problem from being taxed on acreage rather than valuation. That Resolution will go to the Department of Revenue, along with other documentation and the taxes will be corrected for the next fiscal year.

Action # 13:

RESOLUTION 2015-#12:

Commissioner Hurwitz moved to change the Grassy Mountain Fire District taxation to valuation rather than per acre fee. Vice Chair Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

<u>Clerk & Recorder – Dayna Ogle – 2nd QTR Budget Review:</u>

Dayna Ogle, Clerk & Recorder, presented the Commissioners with information on the second quarter budget review. She informed the Commissioners that the departments should be 50% through their budgets, and tabbed the departments that were over that percentage to discuss.

She stated that overall everyone was in good shape, but there were a couple of departments over that 50% mark, which will be watched.

Lunch:

Commissioners broke for lunch at 11:37 a.m. and returned at 1:00 p.m.

<u>Forest Service – Miller/Bingham Vegetation Project & Update – Beth Ihle, Clint Kolarich, & Carol Hatfield:</u>

Forest Ranger Beth Ihle, Clint Kolarich, Assistant Fire Management Officer; and Patrick Davis of the Forest Service were here to discuss the Miller/Bingham Vegetation Project Jesse Secrest was also in attendance. Forest Ranger Ihle was a little late, so Mr. Kolarich and Mr. Davis presented the Commissioners with a Scoping Notice for their review and discussion.

This project is 14 miles north of White Sulphur Springs, along Highway 89 and is adjacent to private land, including a subdivision of approximately 16 residents. These residents have requested the Forest Service initiate mitigation of the hazards due to the current condition of the trees.

The Forest Service explained the actions that were planned on this project and presented maps pictures in the documentation they handed out.

The Forest Service also advised the Commissioners that this project will appear Wednesday on their webpage. They discussed the process if someone would decide to sue to stop the project, but told the Commissioners by the time they received a Notice of Intent to Sue and it would go forward, the project would be done. This project is small, and they do not expect any objections on it.

The Commissioners told the group that they are in support of this project and if a letter of support is needed, they would be happy to provide one.

There was also discussion by the Forest Service on whether it would be appropriate to visit with the Commission once a month to update and visit on what is going on. The Commissioners were all in favor of this opportunity to be updated on a regular basis.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1537, with Check #47722 through Check #47778 totaling \$33,720.21. Commissioners were also presented with payroll Voucher #11, with Check #219107 through Check #219124, and Voucher #1532, with Check #219125 through #219132, and Voucher #1533, with Check # 219133 through #219139; and Voucher #1534, with Check # 47716 through Check #47721. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 2:33 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 13, 2015.

CLERK & RECORDER	CHAIRMAN
SEAL	VICE-CHAIRMAN
	COMMISSIONER

Tuesday

January 13, 2015 9:09 a.m.-11:55 .m. Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 9:09 a.m.

Commissioners Present:

Chair Herb Townsend, Vice Chair Rod Brewer, and Commissioner Ben Hurwitz.

Treasures Report- Sue Phelan

Treasurer Sue Phelan, brought in the Treasurer's Report, Fund Report, along with the Cash Reconciliation Report. Treasurer Phelan became aware that according to the law, the treasurer shall make a full statement of all accounts once a year in January, with the County Clerk, in the presence of the County Commissioners who have control of the accounts.

The Commissioners had asked for a report on the Delinquent Taxes. Treasurer Phelan presented them with that report. It was noted that the report states there is \$41,579.65 outstanding. Treasurer Phelan indicated that she sends out delinquent notices every 2 months. The Commissioners asked to receive another report in a couple months.

Derek Johnston inquired about whether the Meagher County Livestock Association is still responsible for the taxes on the 4-H barn after the discussion of the county taking possession of this property. Treasurer Phelan stated that they would be responsible for the taxes until a Quit Claim Deed is processed. Treasurer Phelan will notify the MCLA. The Commissioners will ask County Attorney Deschene, along with Angie Evans, to begin the process of the Quit Claim.

County Attorney- Kimberly Deschene

County Attorney, Kimberly Deschene, came in but didn't have anything new to report. The Commissioner had a couple tasks for her.

It came to the attention of the County Commissioners that Ralph Miller buried a water pipeline in the 60' right of way of the Burtt Ranch road. This was done without the knowledge or permission or the county official.

The encroachment came to the attention of the road department when Mr. Miller called the county shop and informed Road Foreman, Tim Collins, to put stakes in the road so the grader did not hit his pipeline.

County Attorney Deschene was asked to inform Mr. Miller he must move his pipeline to his property which lies on either side of the Burtt Ranch road. This task must be completed by December 31, 2015.

The Commissioners also asked Attorney Deschene to begin the process of a Quit Claim on the property that the 4-H barn resides. The MCLA wants to have the county take over the property so that they are no longer responsible for the taxes. The County will claim the responsibility of this property but wants to have an agreement stating that the MCLA will be responsible for the upkeep of the property, carry event insurance, and allow the 4-H to have perpetuity use as long as the 4-H program is active in the county.

Attorney Deschene is in need of some new equipment. She is looking at purchasing a new computer and printer. In her contract with the county, it states that she is responsible for all of her own equipment, but she asked if the Commissioners would consider contributing half of the cost. The Commissioners asked for estimates. They also asked why Jim McDanel wasn't able to take care of this for her.

Minutes:

Action #1:

Commissioner Brewer moved to approve the Minutes from the January 6, 2015 meeting. Commissioner Hurwitz seconded. A vote was taken and was approved.

Health Nurse-Eva Kerr

County Health Nurse, Eva Kerr, updated the Commissioners about the disease reporting for the months of October – December 2014, along with a yearend report. On the average, fewer flu shots were given this year from last year.

It was brought to the attention of the Commissioners that through the WIC Program \$20,000 was spent by Meagher County residents that qualify for the program. Schedule changes have the WIC Representative, Claire R Davis, coming to White Suphur Springs every three months. The month of December brought in 20 families.

County Health Board

In attendance with the three (3) Commissioners were Mayor Theriault, and Board Member Sandy Harris. Also present was Eva Kerr.

County Health Nurse, Eva Kerr, reports that the number of flu cases are up from the last flu season. A report of assessments on the percentage of people receiving their vaccinations will be available every six months.

Nurse Kerr present the Commissioners with documentation for signature to appoint Deen Pomeroy as Meagher County Sanitarian.

Mayor Theriault states that there were no rabies reported with the dog bites that occurred this past year.

Discussion was brought up about the neutering clinic that the city holds every two years. With the fact of no rabies incidents, the Commissioners voiced approval of these clinics and encouraged the continuation of them. The last clinic was held the fall of 2014.

The pending highway construction for 2016 was also brought up.

Fire/DES- Rich Seidlitz

Fire Chief, Rick Seidlitz, reports that we had 2 fire calls this past month. One fire was a home in Martinsdale and the other was the Logan apartments, which looked really bad upon arrival, but discovered that it was the coal furnace smoking.

It was also discovered that 911 calls are still having a difficult time location many addresses in the county. The address mapping has been a touchy situation. Many do not understand why

Public Comment:	
No public comment.	
Claims Approved:	
Commissioners were presented with Vou- 47802 totaling \$9,927.23. All Checks we	cher 31538, with Check # 47779 through Check # ere signed as presented.
Meeting Adjourned:	
The meeting was adjourned at 11:48 p.m.	
Next Meeting:	
Commissioners are scheduled to meet Tu-	esday, January 20, 2015.
CLERK & RECORDER	CHAIRMAN
SEAL	VICE-CHAIRMAN
	COMMISSIONER

changing their address would be that important. The county has many residents that still have

the wrong addresses.

Note: Minutes taken by Assistant to the Clerk & Recorder, Melody Forkin.

Distributed: January 20, 2015 to Chairman Townsend, Commissioner Hurwitz, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday

January 20, 2015 9:00 a.m. –11:03 a.m. Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Rod Brewer called the meeting to order at 9:00 a.m.

Commissioners Present:

Vice Chair Rod Brewer and Commissioner Ben Hurwitz.

Minutes:

Action #1:

Commissioner Brewer moved to approve the Minutes from January 13, 2015, with amendments to be made. Commissioner Hurwitz seconded. A vote was taken and was approved.

Planning Board- Nico Cantalupo

Nico Cantalupo and Sarah Hamlen were present to discuss the progression on the Meagher County Growth Plan. The Planning Board held a public hearing on Tuesday, January 13, 2015 to hear comments on the Plan. The Planning Board wanted to tailor the Growth Policy Plan to Meagher County's needs. The Planning Board recommended that the Plan not be approved at this point because it was too broad in its description. Mr. Cantalupo and Mrs. Hamlen will take the task upon themselves and include the information they feel is missing in the Growth Plan. Mrs. Hamlen said they have government help available to finish this document up.

GMFD Board- Elections:

Mike Leonard came in to inform the Commissioners who would be appointed to the Grassy Mountain Fire Board.

The trustees are as follows:

1 Year Term Mike Erban Rich Highland

2 Year Term Mike Leonard Rich Seibken

3 Year Term Paul Komlosi

Action #2:

Resolution 2015 #13

Commissioner Brewer moved for the approval of the trustee's appointed to the terms of: Mike Erban for 1 year; Rich Highland for 1 year; Mike Leonard for 2 years; Rich Seibken for 2 years; and Paul Komlosi for 3 years. Commissioner Hurwitz seconded. A vote was taken and approved.

The Commissioners requested that the Grassy Mountain Fire District have their Bylaws ready no later than Tuesday, April 21, 2015.

Open Sealed Bids- Sheriff's Truck

Sheriff, Jon Lopp was present to open the bids for the sale of the 1997 Chevy Pickup.

The bids presented were:

Paul Kroeger- \$ 446.00 Stevie Jones- \$1,050.00 Shane Sereday- \$1,200.00 Jan Lesofski- \$2,100.00 Berg Garage- \$2,255.00

Action #3:

Resolution 2015 #14

A motion was made to accept the bid from Berg Garage for the amount of \$2,255.00 by Commissioner Hurwitz, Seconded by Commissioner Brewer. A vote was taken and approved.

County Attorney- Kimberly Deschene

The Commissioners asked if Attorney Deschene contacted Bob Anderson with Hydrometrics on the testing at the County Shop. Attorney Deschene had not so she called Mr. Anderson and left a message on his voicemail.

Attorney Deschene noted that a letter was sent to Ralph Miller's attorney requesting the Commissioners desires from the Commissioners meeting held January 13, 2015.

The Commissioners asked Attorney Deschene to continue with the work on the Quit Claim Deed with reservation for the 4-H property. The Commissioners ask that she contact Angie Evans with First American Title and have a preliminary title report done.

HRDC- Grant Approval

The Community Service Block Grant for the amount \$7,841.10 needed to be allocated, so it was discussed where the money would be best used. The decision is to divide the money between the County Health Department and the Fire/DES Department/911 Addressing. Each department will receive \$3,920.55. The money being allocated to the Fire/DES Department is to be used for the 911 addressing and mapping process.

Action # 4:

Resolution 2015 #15

A motion was made to allocate the CSBG money to the County Health Department for \$3,920.55 and the Fire/DES/911 Addressing Department for \$3,920.55 totaling the amount of \$7,841.10 by Commissioner Hurwitz. Seconded by Commissioner Brewer. A vote was taken and approved.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1539, with Check # 47803 through Check # 47829 totaling \$11,327.48. All Checks were signed as presented.

Meeting Adjourned:

Next Meeting:	
Commissioners are scheduled to meet Tuesda	y, February 3, 2015.
CLERK & RECORDER	CHAIRMAN
SEAL	VICE-CHAIRMAN
	COMMISSIONER

The meeting was adjourned at 11:03 a.m.

Note: Minutes taken by Assistant to the Clerk & Recorder, Melody Forkin Distributed February 3, 2015 to Vice Chairman Brewer and Commissioner Hurwitz and Clerk & Recorder Ogle